

Attorney Docket No. 010356

REMARKS

Claims 1-13 are pending in the present application, of which claims 1 and 9-13 are independent. Claims 3 and 4 have been amended. After entry of the above amendments, claims 1-13 are pending in the present application, of which claims 1 and 9-13 are independent. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. CLAIM OBJECTIONS

Applicant would first like to thank the Examiner for the careful review and for pointing out the typographical error in claims 3 and 4. Claims 3 and 4 have been amended to correct the informality and not to narrow the scope of the claim.

II. REJECTION UNDER 35 U.S.C. §102

The Examiner rejected claims 1 and 7-13 under 35 U.S.C. §102(e) as being allegedly anticipated by PCT International Publication No. WO 98/28929 (while WO 99/53621 has been cited in the office action, Applicant assumes that the Examiner means the former) issued to Hokkanen (hereinafter "Hollanen"). The rejection is respectfully traversed in its entirety.

To anticipate a claim under 35 U.S.C. §102(e), the reference must teach every element of the claim and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (see MPEP §2131).

Hokkanen teaches the use of a mobile station as a cordless telephone. Particularly, it teaches a registration with a home base station (charging station), in which the subscriber equipment ME (mobile station) generates a random number RAND which is used to generate a

response SRES (page 8, lines 13-16). The RAND is sent to the home base station (Figure 5). When starting or receiving a call (page 9, lines 1-2), the home base station sends the RAND to the mobile station (page 9, lines 5-7). The mobile station then uses the RAND to generate the SRES and sends the SRES to the home base station for validation (page 9, lines 7-9). Once validated, the mobile station can be used as a cordless telephone (page 9, lines 10-14).

Alternatively, Hokkanen teaches a registration in which the home base station generates the RAND and SRES (page 9, lines 29-31). The RAND and the SRES are sent to the mobile station (page 9, line 35 to page 10, line 1). When originating or receiving a call (page 10, lines 6-7), the home base station sends the RAND to the mobile station (page 10, lines 11-12). The mobile station then uses the RAND to generate the SRES and sends the SRES to the home base station for validation (page 10, lines 12-15). Once validated, the mobile station can be used as a cordless telephone (page 10, lines 15-18).

As summarized above, in Hokkanen, if the mobile station generates the RAND, the home base station does not send a form of encrypted RAND (SRES) to the mobile station. If the home base station does send the SRES to the mobile station, the mobile station does not generate the RAND. In either case, the home base station performs the validation.

Therefore, Hokkanen does not teach or even suggest sending the random number to a charging apparatus and either receiving at the mobile apparatus the encrypted random number from the charging apparatus or enabling the mobile apparatus at the mobile apparatus, as in independent claims 1, 9 and 13.

Similarly, Hokkanen does not teach or even suggest a mobile apparatus comprising a receiver configured to receive an encrypted version of the random number from the charging unit and a processor configured to generate the random number and enable the mobile apparatus, as in independent claim 10.

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Hokkanen does not teach or even suggest a charging apparatus comprising a receiver or means for receiving a random number from a mobile apparatus, and a transmitter or means for sending the encrypted random number to the mobile unit, as in independent claim 12 and amended independent claim 11.

Since Hokkanen does not teach every element of the claims, Applicant submits that claims 1 and 9-13 are allowable. Also, claims 7 and 8 depend from and include all the elements cited in the independent claim 1. Accordingly, Applicant submits that these claims are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

For at least the foregoing reasons, Applicant respectfully request a withdrawal of the rejection under 35 U.S.C. §102.

III. REJECTION UNDER 35 U.S.C. §103

The Examiner rejected claims 2 and 5 under 35 U.S.C. §103 as being unpatentable over Hokkanen in view of Handbook of Applied Cryptography, 1997, pages 397-400 (hereinafter "Menezes"). Claim 3 is rejected under 35 U.S.C. §103 as being unpatentable over Hokkanen in view Menezes and in further view of A survey of Cryptography Algorithms (hereinafter "Moshopoulos"). Claim 4 is rejected under 35 U.S.C. §103 as being unpatentable over Hokkanen in view Moshopoulos. Claim 6 is rejected under 35 U.S.C. §103 as being unpatentable over Hokkanen in view of PCT International Publication No. WO 99/53621. The rejections are respectfully traversed in its entirety.

To establish a prima facie case of obviousness for a claimed invention, all the claim elements must be taught or suggested by the prior art. (MPEP 2143.03)

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Claims 2-6 depend from and include all the elements cited in the independent claim 1. Accordingly, Applicant submits that Hokkanen does not disclose every element of claims 2-6 based on its dependency from claim 1 as well as other novel features included therein. In addition, upon review of the cited references, none of Menezes, Moshopoulos, or Blow teaches all the elements cited in claims 1-6, respectively.

Since none of the cited references, separately or combined, teach or suggest the claimed subject matter, Applicant submits that claims 2-6 are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

Particularly, with respect to claims 2 and 5, Applicant respectfully submits that the Examiner's suggested combination of the references is improper. The motivation cited by the Examiner for combining the features of the cited references was to incorporate the use of an encrypted system time to allow enablement only for a certain amount of time for security reasons. This is insufficient, as a matter of law, because it does not rely on the teachings of the references. Moreover, Hokkanen teaches using a mobile station as a cordless phone. The mobile station, working as a cordless phone, will be disabled and work as a mobile phone automatically when the mobile station moves outside the range of the home base station. As such, there is no problem or a desirability to allow enablement only for a certain amount of time. Accordingly, Applicant respectfully submits that the Examiner has failed to set forth a prima facie case of obviousness.

For at least the foregoing reasons, Applicant respectfully requests a withdrawal of the rejection under 35 U.S.C. 103.

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CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: _____

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